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Beecham Limited, Pfizer, Inc.,
and Encysive Pharmaceuticals, Inc.

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AT 8:30 _____ M
WILLIAM T. WALSH, CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GLAXOSMITHKLINE PLC, *et al.*,

Plaintiffs,

vs.

HIKMA PHARMACEUTICAL CO., LTD.,
et al.

Defendants.

**CIVIL CASE NO.
3:12-CV-01965-FLW-DEA**

STIPULATION

WHEREAS the Plaintiffs GlaxoSmithKline plc, GlaxoSmithKline LLC, Glaxo Group Limited, SmithKline Beecham Limited, Pfizer, Inc., and Encysive Pharmaceuticals, Inc. (hereinafter "Plaintiffs") filed on March 30, 2012 their Complaint alleging that Defendants Hikma Pharmaceutical Co., Ltd. and West-

Ward Pharmaceutical Corp. (hereinafter “Defendants”) infringed United States Patent No. 5,214,052 (the “’052 patent”) under 35 U.S.C. § 271;

WHEREAS the Defendants filed on May 21, 2012 their Answer and Counterclaim that Defendants do not infringe the ’052 patent and that the ’052 patent is invalid for failure to comply with 35 U.S.C. § 112;

WHEREAS the Court conducted a four-day bench trial commencing July 10, 2012; and

WHEREAS the Court issued an Opinion and Order dated July 31, 2012 (Dkt. Nos. 88 and 89);

NOW, THEREFORE, the above-identified parties hereby stipulate and agree that:

1. Plaintiffs hereby agree not to file or pursue any appeal from the Opinion and Order of this Court dated July 31, 2012 (Dkt. Nos. 88, 89), except as set forth in paragraph 3 below;
2. Defendants hereby agree (a) not to file or pursue any appeal from the Opinion and Order of this Court dated July 31, 2012 (Dkt. Nos. 88, 89), except as set forth in paragraph 3 below, and (b) not to file or pursue a bill of costs pursuant to Fed. R. Civ. P. 54 and Local Rule 54.1, except as set forth in paragraph 3 below; and
3. In the event one or more of Involuntary Plaintiffs/Counterclaim Defendants Mitsubishi Chemical Corp. and Mitsubishi Tanabe Pharma Corp. timely file or pursue any appeal from the Opinion and Order of this Court dated July 31, 2012 (Dkt. Nos. 88, 89), (a) Plaintiffs and Defendants have the right to

file or pursue an appeal from the Opinion and Order of this Court dated July 31, 2012 (Dkt. Nos. 88, 89) pursuant to Fed. R. App. P. 4(a)(3); and (b) Defendants shall have the right to file and pursue a bill of costs pursuant to Fed. R. Civ. P. 54 and Local Rule 54.1; and

4. All of Plaintiffs and Defendants shall bear their own attorney's fees and costs associated with this litigation, with the exception of Defendants' right to file or pursue a bill of costs pursuant to paragraph 3 above.

SO STIPULATED and respectfully submitted this 24th day of August, 2012.

s/ Liza M. Walsh

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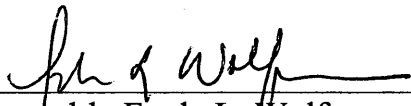
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SO ORDERED this 27th day of August, 2012,



Honorable Freda L. Wolfson
United States District Judge